

Application No. 10/706,454 80050 US01  
Amendment dated November 7, 2005  
Reply to Office action dated June 7, 2005

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (canceled): A pellet comprising at least one plastomer and at least one elastomer for use as an asphalt modifier.
2. (canceled): A pellet according to Claim 1 wherein said plastomer is selected from oxidized polyolefins, maleated polyolefins and acrylic acid grafted polyolefins.
3. (canceled): A pellet according to Claim 1 wherein said elastomer comprises repeating units of at least one monomer selected from the group consisting of styrene, butadiene, carboxylated butadiene, isobutylene, isoprene, carboxylated isoprene, chloroprene, ethylene, propylene, acrylonitrile, and mixtures thereof.
4. (canceled): A pellet according to Claim 1 wherein said plastomer is present in said pellet in an amount from about 25% by weight to 80% by weight.
5. (currently amended): A modified asphalt composition produced by the process comprising: ~~at least one plastomer, at least one elastomer, and asphalt~~
  - 1) contacting at least one plastomer and at least one elastomer to produce a pellet; and
  - 2) adding said pellet to asphalt in a mixing zone to produce said modified asphalt composition.
6. (previously presented): A modified asphalt composition according to Claim 5 wherein the amount of said elastomer and said plastomer is sufficient to increase the PG rating of the modified asphalt composition by +1 to +3 grades.
7. (previously presented): A modified asphalt composition according to Claim 5 wherein said plastomer is present in said modified asphalt composition in an amount from about 0.1% by weight to about 10% by weight based on the weight of the modified asphalt composition.

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8. (previously presented): A modified asphalt composition according to Claim 5 wherein said elastomer is present in said modified asphalt composition in an amount from about 0.1% by weight to about 10% by weight based on the weight of the modified asphalt composition.

9. (previously presented): A modified asphalt composition according to Claim 5 wherein said asphalt has a PEN value from about 40 to about 300 dmm.

10. (previously presented): A modified asphalt composition according to Claim 5 wherein said asphalt has an AC value from about 2.5 to about 40 hundreds of poises.

11. (previously presented): A modified asphalt composition according to Claim 5 wherein said asphalt has an AR value from about 1,000 to about 16,000 poises.

12. (previously presented): A modified asphalt composition according to Claim 5 wherein said plastomer is at least one homopolymer or a copolymer having at least one polar functional group and having a density from about 0.92 to about 1.1 g/cm<sup>3</sup> at 25°C.

13. (previously presented): A modified asphalt composition according to Claim 12 wherein said plastomer is selected from oxidized polyolefins, maleated polyolefins and acrylic acid grafted polyolefins.

14. (previously presented): A modified asphalt composition according to Claim 13 wherein said plastomer is selected from maleated polyethylene, maleated polypropylene, oxidized polyethylene, acrylic acid grafted polyethylene, acrylic acid grafted polypropylene and mixtures and derivatives thereof.

15. (previously presented): A modified asphalt composition according to Claim 14 wherein said plastomer is oxidized polyethylene.

16. (previously presented): A modified asphalt composition according to Claim 5 wherein said plastomer has at least one property in the following ranges: an acid number from about 0.1 to about 50, a needle penetration hardness less than about 50 dmm at 25°C, and a viscosity from about 1 to about 100,000 cP at 135°C.

17. (previously presented): A modified asphalt composition according to Claim 5 wherein said plastomer is an oxidized polyethylene homopolymer having at least one of the following properties: a density from about 0.92 to about 1.1 g/cm<sup>3</sup>, a hardness

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less than about 1.5 dmm at 25°C, an acid number from about 5 to about 41, and a viscosity from about 800 to about 8,000 cP at 125°C.

18. (previously presented): A modified asphalt composition according to Claim 5 wherein said elastomer is a synthetic rubber produced from monomers obtained from the cracking and refining of petroleum.

19. (previously presented): A modified asphalt composition according to Claim 18 wherein said monomers are selected from the group consisting of styrene, butadiene, carboxylated butadiene, isobutylene, isoprene, carboxylated isoprene, chloroprene, ethylene, propylene, acrylonitrile, and mixtures thereof.

20. (previously presented): A modified asphalt composition according to Claim 5 wherein said elastomer is a block copolymer of at least one conjugated diene and at least one monoalkenyl aromatic hydrocarbon.

21. (previously presented): A modified asphalt composition according to Claim 20 wherein said conjugated diene is at least one selected from the group consisting of butadiene, isoprene, chloroprene, carboxylated butadiene, and carboxylated isoprene.

22. (previously presented): A modified asphalt composition according to Claim 21 wherein said conjugated diene is butadiene and isoprene.

23. (previously presented): A modified asphalt composition according to Claim 20 wherein said monoalkenyl aromatic hydrocarbon is styrene.

24. (previously presented): A modified asphalt composition according to Claim 20 wherein said block copolymer has a general formula A-B-A or (A-B)<sub>n</sub> X; wherein each A block is a monoalkenyl aromatic hydrocarbon polymer block, each B block is a conjugated diolefin polymer block, X is a coupling agent and n is an integer from 2 to about 30.

25. (previously presented): A modified asphalt composition according to Claim 20 wherein the configuration of said block copolymer is linear, radial, star, or tapered.

26. (previously presented): A modified asphalt composition according to Claim 20 wherein said block copolymer has a number average molecular weight from about 30,000 to about 300,000.

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27. (previously presented): A modified asphalt composition according to Claim 24 wherein said conjugated diene is butadiene and said monoalkylenyl aromatic hydrocarbon is styrene and the amount of styrene repeating units in said block copolymer ranges from about 15% by weight to about 50% by weight based on the weight of said block copolymer with the remainder being repeating units derived from butadiene.

28. (previously presented): A modified asphalt composition according to Claim 20 wherein said block copolymer is a styrene-butadiene block copolymer having a number average molecular weight ranging from about 50,000 to about 200,000.

29. (previously presented): A hot mix asphalt composition comprising said modified asphalt composition of Claim 5 and aggregate.

30. (canceled): A process for producing a modified asphalt composition comprising contacting at least one plastomer, at least one elastomer, and asphalt.

31. (canceled): A process for producing a modified asphalt composition said process comprising:

1) contacting at least one plastomer and at least one elastomer to produce a pellet; and

2) adding said pellet to asphalt in a mixing zone to produce said modified asphalt composition.

32. (canceled): A process according to Claim 31 wherein said plastomer is oxidized polyethylene and said elastomer is a styrene-butadiene-styrene block copolymer.

33. (canceled): A process for producing a modified asphalt composition said process comprising:

1) contacting at least one plastomer and at least one elastomer in an extruder zone to produce a plastomer/elastomer pellet;

2) adding said plastomer/elastomer pellet to at least one molten asphalt in a mixing zone to produce a modified asphalt composition;

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3) mixing said modified asphalt mixture in said mixing zone to disperse the plastomer and elastomer in said plastomer/elastomer pellet to produce said modified asphalt composition.

34. (canceled): A process according to Claim 33 wherein said plastomer is oxidized polyethylene and said elastomer is a styrene-butadiene-styrene block copolymer.

35. (canceled): A process for producing a hot mix asphalt composition comprising contacting at least one plastomer, at least one elastomer, asphalt, and aggregate.

36. (canceled): A process for producing a hot mix asphalt composition said process comprising:

1) contacting at least one plastomer and at least one elastomer in an extruder zone to produce a plastomer/elastomer pellet;

2) adding said plastomer/elastomer pellet to at least one molten asphalt in a mixing zone to produce a modified asphalt mixture;

3) mixing said modified asphalt mixture in said mixing zone to disperse the plastomer and elastomer in said plastomer/elastomer pellet to produce said modified asphalt composition; and

4) contacting said modified asphalt composition with aggregate to produce said hot mix asphalt composition.

37. (previously presented): An article produced by the modified asphalt composition of Claim 5.

38. (previously presented): An article produced by the hot mix asphalt composition of Claim 29.